IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6791 OF 2005

Shivram B.Jadhav & Ors. ...Applicants

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr.S.D.Dharmadhikari for Applicants.

Mr.Y.S.Shinde for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 16, 2005.

P.C.

1. Private complaint has been filed against the Applicants. The Trial Court has sent the complaint to L.C.B. for enquiry under Section 202 of the Criminal Procedure Code. I am informed that the enquiry in terms of the said order is in progress but still inconclusive. At this stage, I see no reason to exercise inherent jurisdiction, so as to interdict the enquiry which is already in progress.

2. Counsel for the Applicants submits that the Applicants have no concern with the alleged offence. They were not associated with the Bank during the relevant time. All those matters will be part of enquiry. As mentioned earlier, the enquiry cannot be interdicted because the alleged offence is a serious offence.

3. So far as apprehension of the Applicants that they may be arrested during the course of the enquiry, that cannot be the basis to quash the order passed by the Trial Court directing enquiry by L.C.B. under Section 202 of the Code. The Applicants may take recourse to such remedy, as may be permissible by law to ensure that they are not arrested without any sufficient material to proceed against them. All questions in that behalf will be considered in those proceedings if filed.

4. Application disposed of with the above observations.

A.M.KHANWILKAR, J.